IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.04.2006

CORAM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
AND
THE HON'BLE MR. JUSTICE J.A.K. SAMPATHKUMAR

WRIT APPEAL NO.571 of 2001

P. Prabavathy .. Appellant

vs.

1. The Commissioner
   Corporation of Madras
   Chennai.

2. The Superintendent
   General Department
   Corporation of Madras
   Chennai. .. Respondents

Writ Appeal filed under Clause 15 of the Letters of Patent against the order of the learned Judge Mr. Justice Y. Venkatachalam, dated 24.03.1998 made in W.P.No.5617 of 1989.

For appellant : Mrs. Devi Shankar
For respondents: Ms. P. Bagyalakshmi

JUDGMENT

(Judgement of the Court was delivered by P. SATHASIVAM,J.)

The above writ appeal has been filed against the order of the learned single Judge dated 24.03.1998 made in Writ Petition No.5617 of 1989, in and by which the learned Judge dismissed the writ petition filed by the petitioner.

2. Heard the learned counsel for the appellant as well as the respondents.

3. At the outset, the learned counsel appearing for the appellant pointed out that in view of a Division Bench decision of this Court dated 11.03.1994 made in Writ Appeal No.1671 to 1674 of 1992 (V. Kannan and others vs. Corporation of Madras and others), the writ petitioner /

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

appellant is entitled to a similar relief. In addition to the same, she also brought to our notice that following the above said Division Bench decision, another Division Bench also granted similar relief on 14.12.2004 in Writ Appeal no.213 of 1998 (M. Shyamala vs. Commissioner of Corporation and another), in favour of the appellant therein.

4. Though learned counsel for the respondents contended that person who appointed the writ petitioner is not the competent and concerned authority, in view of the above referred two Division Bench decisions and of the fact that the Corporation has not challenged the same before the Appellate Court, we are not inclined to accept the said contention. Following the decision rendered in Writ Appeal No.1671 to 1674 of 1992 dated 11.03.1994, the present writ appeal is allowed. No costs.

kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Commissioner
   Corporation of Madras
   Chennai.

2. The Superintendent
   General Department
   Corporation of Madras,Chennai.

+ one cc to Mr. K. Shankar, Advocate sr no. 17273
+ one cc to Ms. P. Bagyalakshmi, Advocate sr no. 17076)

NM(13.04.2006)

Writ Appeal No.571 of 2001

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/